

REMARKS/ARGUMENTS

Claims 2-5 and 42-44 are pending in this application. Claims 4 and 5 have been allowed. Claims 2 and 3 are objected to as allegedly being dependent from a rejected base claim, i.e. claim 1. Claims 6-23, 26-41, and 45-59 were previously withdrawn. Claims 1, 24 and 25 are canceled herein without prejudice. Applicants reserve the right to file one or more continuation, continuation-in-part, or divisional applications towards any canceled subject matter. Claims 2-5 and 42-44 are amended herein. Basis for these amendments may be found in the specification and claims as originally filed. For example, basis for the amendments in claim 2 may be found in claim 1 as originally filed; basis for the amendments in claims 3-5 and 42-44 are for clarity and/or to provide proper claim dependencies. No new matter has been added.

Claim Objections

Claims 2 and 3 are objected to as allegedly being dependent from a rejected base claim, i.e. claim 1.

As amended herein, claim 2 has been rewritten as an independent claim and claim 3 now depends on claim 2. Applicants respectfully request reconsideration and withdraw of this objection.

Claim Rejections - 35 U.S.C. §102

Claims 24 and 25 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by WO 2004/056774 to Bakthavatchalam et al. It is alleged that the '774 publication discloses N-substituted alkylpyridylbenzamides, e.g. compounds 407, 412, 414, 420, and 455, which allegedly are within the genus of claim 24 and the subgenus of claim 25.

As amended herein, claims 24 and 25 are canceled which renders this rejection moot. Applicants respectfully request reconsideration and withdraw of this rejection.

Claim Rejections - 35 U.S.C. §103

Claim 1 is rejected under 35 U.S.C. §103(a) as allegedly being obvious over the combined teachings of Patani *et al.* (Reference V: Chem. Rev. 1996, 3147-3176) and Hcaplus 1999:48617 (Reference U: WO 99/01127 and/or U.S. Patent No. 6,515,027). The basis for this rejection – bioisosteric substitution of pyridyl for phenyl – is allegedly identical to that of the previous rejections made over this combination of references. Applicants respectfully disagree.

While not agreeing with this characterization of claim 1 but in order to further prosecution of the present application to grant of a U.S. Patent, claim 1 is canceled herein, which renders this rejection moot. Applicants respectfully request reconsideration and withdraw of this rejection.

Claims 1 and 42-44 are also rejected under 35 U.S.C. §103(a) as allegedly being obvious over WO 2004/056774 to Bakthavatchalam et al. It is alleged that the '774 publication teaches compounds 407 and 414, both of which are positional isomers of the generic structure of claim 1. Applicants respectfully disagree.

While not agreeing with this characterization of claims 1 and 42-44 but in order to further prosecution of the present application to grant of a U.S. Patent, claim 1 is canceled herein, which renders this rejection moot. As amended herein, claims 42-44 are now dependent from allowable claims 2 and 4. As discussed above, claim 2 was objected to as being dependent from rejected claim 1, but has now been rewritten as an independent claim. Applicants respectfully request reconsideration and withdraw of this rejection.

In re Application of:
Philip A. Beachy et al.
Application No. 10/573,945
Filed: March 7, 2007

PATENT
Attorney Docket No. JHU1920-1

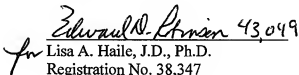
CONCLUSION

In view of the above amendments and remarks, reconsideration and favorable action on all claims are respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

No additional fees are believed to be due with the present communication, however, the Commissioner is hereby authorized to charge any other fees that may be due in connection with the filing of this paper, or credit any overpayment to Deposit Account No. 07-1896, referencing the above-identified Attorney Docket Number.

Respectfully submitted,

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